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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,117	01/23/2001	John C. Adler	M-8164 US	3321
33031	7590	08/09/2005	EXAMINER	
CAMPBELL STEPHENSON ASCOLESE, LLP			SAM, PHIRIN	
4807 SPICEWOOD SPRINGS RD.				
BLDG. 4, SUITE 201			ART UNIT	PAPER NUMBER
AUSTIN, TX 78759			2661	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,117

Applicant(s)

ADLER, JOHN C.

Examiner

Phirin Sam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,10-21,24-36 and 39-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,11,15,16,18-21,25,29-31,33-36,40,44,45,47-49 and 51 is/are rejected.
- 7) ☒ Claim(s) 3,10,12-14,17,24,26-28,32,39,41-43,46,50 and 52-62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

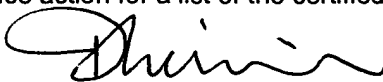
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 11, 15, 18-21, 25, 29, 30, 33-36, 40, 44, 47-49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,122,281 (hereinafter referred as "Donovan") in view of US Patent 6,122,281 (hereinafter referred as "Motoyama").

Donovan discloses the invention (**amended claims 1, 15, 29, 30, and 44**) as claimed including a method for a data communications system, the method comprising:

- (a) transmitting data in a transport overhead field to at least one network element (see Figs. 8 and 9);
- (b) processing the data in the transport overhead field to provide virtual path end-to-end services, wherein the processing is performed by a route processor (see Fig. 8, col. 6, and lines 10-22).

Donovan does not mention a source identifier and a destination identifier. However, Motoyama discloses the data providing the source identifier and the destination identifier (see Fig. 11A and 11B, page 4, lines [0093]-[0096]). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the source ID and the destination ID teaching by Motoyama with Donovan. The motivation for doing so would have been to provide to identify the destination node and correlate data between the node numbers other than the local

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node and the LAN addresses, but also the association with the ports see line [0096]. Therefore, it would have been obvious to combine Motoyama and Donovan to obtain the invention as specified in the claims 1, 15, 29, 30, and 44.

Regarding claims 4, 18, 33, and 47, Motoyama and Donovan do not directly disclose routing protocol. However, One of ordinary skill in art would understand that there must be the routing protocol for routing the data in the switch, router, etc.

Regarding claims 5, 6, 19, 20, 34, 35, 48, and 49, Motoyama and Donovan disclose the virtual path end-to-end services as described in claims 1, 15, 29, 30, and 44.

Regarding claims 7, 21, and 36, Donovan discloses the communication circuit disposed in one of a SONET and SDH (see col. 1, lines 59-60 and col. 2, line 20).

Regarding claims 11, 25, 40, and 51, Donovan does not disclose the source ID and destination ID for avoid manual point-by-point routing of STS-Ns. However, Motoyama discloses the source ID and destination ID for avoid manual point-by-point routing of STS-Ns (see Fig. 11A and 11B, page 4, lines [0093]-[0096]). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the source ID and the destination ID teaching by Motoyama with Donovan. The motivation for doing so would have been to provide to identify the destination node and correlate data between the node numbers other than the local node and the LAN addresses; but also the association with the ports see line [0096]. Therefore, it would have been obvious to combine Motoyama and Donovan to obtain the invention as specified in the claims 11, 25, 40, and 51.

2. Claims 2, 16, 31, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,122,281 (hereinafter referred as "Donovan") in view of US Patent 6,122,281

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(hereinafter referred as "Motoyama") as applied to claims above, and further in view of US Patent 5,335,223 (hereinafter referred as "Iino").

Regarding claims 2, 16, 31, and 45, Motoyama and Donovan do not disclose the transport overhead field is a J1 field in a SONET communication packet. However, Iino discloses the transport overhead field is a J1 field (see col. 5, lines 5-11, 24-29). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the J1 in transport overhead field teaching by Iino with Motoyama and Donovan. The motivation for doing so would have been to provide to obtain the phase difference signals which used to adjust the pointer values read on col. 7, lines 22-25, 29-32. Therefore, it would have been obvious to combine Iino, Motoyama, and Donovan to obtain the invention as specified in the claims 2, 16, 31, and 45.

Allowable Subject Matter

3. Claims 3, 10, 12-14, 17, 24, 26-28, 32, 39, 41-43, 46, 50, and 52-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) US Patent 6,301,254 (Chan et al) discloses virtual path ring protection method and apparatus.

(2) US Patent 5,568,486 (Huscroft et al) discloses integrated user network interface device.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on Mon-Fri, 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272 - 3126. The fax number for the organization where this application or proceeding is assigned is (571) 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully submitted,

Date: August 4, 2005

A handwritten signature in black ink, appearing to read 'Phirin Sam', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**